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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Andrew R. WEISENBERGER et al.

Art Unit: 3744

Application Number: 10/621,859

Examiner: **Chen Wen Jiang**

Filed: **July 16, 2003**

Confirmation Number: 1761

For: **MOISTURE REDUCTION AND MOLD AND MOISTURE
DAMAGE PREVENTATIVE SYSTEM AND METHOD IN
CONSTRUCTION**

Attorney Docket Number: **062374**
Customer Number: **38834**

Response to Notification of Non-Compliant Appeal Brief

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

August 8, 2008

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated July 9, 2008, a corrected section (III) Status of Claims is submitted herewith. The Status of Claims has been corrected to include the status of cancelled claims 15-21.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

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TEB/nrp

Attachment: Section (III) Status of Claims

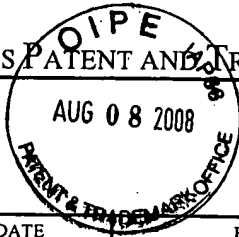
Response to Notification of Non-Compliant Appeal Brief
Application Serial No.: 10/621,859
Attorney Docket No.: 062374

(III) STATUS OF CLAIMS

Pending claims 1-5, 7-13, 22 and 24-29 stand rejected. Claims 6, 14-21 and 23 have been cancelled. No claims have been allowed or objected to. The claims on appeal are claims 1-5, 7-13, 22 and 24-29.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,859	07/16/2003	Andrew R. Weisenberger	062374	1761

38834 7590 07/09/2008

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JUL 10 2008

WESTERMAN HATTORI DANIELS
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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 07/09/2008

SCANNED

Please find below and/or attached an Office communication concerning this application or proceeding.

Non-Compliant App Brief

DOCKETING

INITIALS: W

DATE DOCKETED: July 10, '08

TYPE OF RESPONSE: Inv.

DUE DATE: Aug. 9, '08

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/621,859

Applicant(s)

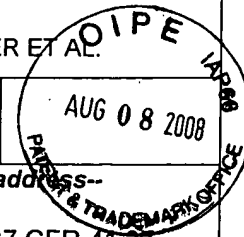
WEISENBERGER ET AL.

Examiner

JIANG

Art Unit

3744



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 30 June 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

(2) The brief does not contain the status of cancelled claims 15-21 in the status of claims section.

REGINALD TYSON
PATENT APPEALS SPECIALIST
571-272-1634